

Case: TA2011001 – Medical Marijuana Revisions  
Hearing Dates: August 4, 2011 Maricopa County Planning & Zoning Commission  
August 31, 2011 Maricopa County Board of Supervisors (tentative)

In response to a successful ballot initiative, the Maricopa County Board of Supervisors approved TA2010017 on December 17, 2010. Due to legal determination by the Maricopa County Attorney's Office, the previously adopted ordinance language is being revised. Send any comments to the attention of Darren Gerard, Deputy Director at [darrengerard@mail.maricopa.gov](mailto:darrengerard@mail.maricopa.gov)

Proposed Test: [Language to be added is underscored. Deleted language is ~~struck through~~.]

## Chapter 2 – Definitions

~~An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a caregiver pursuant to A.R.S. §36-280 cultivates marijuana. The designated caregiver cultivation location must be accessory to the designated caregiver's primary residence. Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.~~

**MEDICAL MARIJUANA DISPENSARY:** An entity defined in A.R.S. §36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials. A Medical Marijuana Dispensary shall be considered an industrial use.

**MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION:** The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. §36-2804(B)(1)(b)(ii). A Medical Marijuana Dispensary Offsite Cultivation Location shall be considered an industrial use.

~~**MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION:** An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a patient qualified to cultivate marijuana pursuant to A.R.S. §36-2801 cultivates marijuana. The qualifying patient cultivation location must be accessory to the qualifying patient's primary residence. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary.~~

## Chapter 5 – Rural Zoning Districts

**Article 501.2.21** Use Regulations: Accessory buildings and uses customarily incidental to the above uses, including:

f. ~~Medical Marijuana Qualifying Patient Cultivation Location and Medical Marijuana Designated Caregiver Cultivation Location as defined in Chapter 2 of this ordinance subject to all rules adopted by the Arizona Department of Health Services.~~

## Chapter 6 – Single Family Residential Zoning Districts

**Article 601.2.14** Use Regulations: Accessory buildings and uses customarily incidental to the above uses, including:

~~f. Medical Marijuana Qualifying Patient Cultivation Location and Medical Marijuana Designated Caregiver Cultivation Location as defined in Chapter 2 of this ordinance subject to all rules adopted by the Arizona Department of Health Services.~~

## Chapter 9 – Industrial Zoning Districts, Section 903. C-2 (Heavy Industrial Zoning District)

**Article 902.3** Use Regulations: A building or premise shall be used only for any industrial use not in conflict with any federal law, state law or any Ordinance of Maricopa County, and subject to procedural regulations as listed in Chapter 3, Section 306. Renewable energy systems as set forth in Section 1206 of this Ordinance may be permitted as either a primary or an accessory use.

## Chapter 13 – Use Regulation

~~**Article 1301.1.44** Special Uses: Medical Marijuana Dispensary and Medical Marijuana Dispensary Offsite Cultivation Location facilities as defined in Chapter 2 of this ordinance subject to all rules adopted by the Arizona Department of Health Services and to the following conditions:~~

- ~~a. Medical Marijuana Dispensaries shall not be located within 1,500 feet of any other Medical Marijuana Dispensary.~~
- ~~b. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall not be located within 1,500 feet of:~~
  - ~~1. A church; or~~
  - ~~2. A public or private elementary or secondary school; or~~
  - ~~3. A public or private day care center, preschool, nursery, kindergarten, or similar use;~~  
~~or~~
  - ~~4. A public park or playground; or~~
  - ~~5. An adult oriented facility.~~
- ~~c. Medical Marijuana Dispensaries shall be located only within the C-2 and C-3 Commercial Zoning Districts.~~
- ~~d. Medical marijuana Offsite Cultivation Locations shall not be located within 500 feet of:~~
  - ~~1. A public or private elementary or secondary school; or~~
  - ~~2. A public or private day care center, preschool, nursery, kindergarten, or similar use.~~
- ~~e. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any~~

~~affected structures without regard to intervening structures or objects or political boundaries.~~

- ~~f. — A Medical Marijuana Dispensary or Medical Marijuana Offsite cultivation Location lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, a park or playground, or an adult oriented facility within 1,500 feet of the Medical Marijuana Dispensary Offsite Cultivation Location.~~
- ~~g. — This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.~~